



INTERIOR BOARD OF INDIAN APPEALS

Estate of Millie Black Spotted Horse

1 IBIA 45A (12/09/1970)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF MILLIE BLACK	:	Appeal Dismissed
SPOTTED HORSE	:	
	:	
Rosebud Sioux Unallotted 93203	:	IBIA 71-1
Deceased	:	
Probate No. B-50-69	:	

This matter comes on for consideration upon the filing of a Notice of Appeal addressed to the Secretary, received in the office of the Bureau of Indian Affairs on July 2, 1970. The matter was referred to and was received in the Office of the Solicitor, August 3, 1970, and was further referred to the Office of Hearings and Appeals on October 15, 1970. The Examiner's Order of Supersedeas issued October 9, 1970 accompanied the Notice of Appeal. Attached to the order of Supersedeas was a Petition to

Estate of Millie Black Spotted Horse

Reopen the estate following the entry of the order of May 26, 1969 by Examiner Wheaton, determining the heirs but omitting the alleged husband, the petitioner.

Upon the record here it appears the Petition to Reopen was the only proper petition to be filed. The Notice of Appeal was premature. The Examiner's Order of Supersedeas issued October 9, 1970 was the only proper order to be entered in the proceeding.

The Notice of Appeal is hereupon dismissed without prejudice.

Dated and Issued at Arlington, Virginia, December 9, 1970.

//original signed
David J. McKee, Chairman
Board of Indian Appeals